

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

JAMES PARKS §  
VS. § CIVIL ACTION NO. 1:13-CV-50  
C.V. RIVERA, ET AL., §

MEMORANDUM ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff, James Parks, a prisoner currently confined at FCI Beaumont, proceeding *pro se*, filed the present *Bivens*-type<sup>1</sup> action against defendants C.V. Rivera and Gerardo Maldonado.

The Court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends this action be dismissed without prejudice for want of prosecution pursuant to Federal Rule of Civil Procedure 41(b).

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, and pleadings. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.<sup>2</sup>

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ADOPTED**. A final judgment will be entered

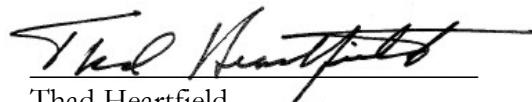
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<sup>1</sup>See *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

<sup>2</sup>Plaintiff signed an acknowledgment of receipt of the Report and Recommendation on April 8, 2013. See docket entry no. 5.

in this case in accordance with the Magistrate Judge's recommendations.

**SIGNED** this the **28** day of **May, 2013**.

  
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Thad Heartfield  
United States District Judge